

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1550 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

KANJI J BHALANI

Appearance:

MR YOGESH S LAKHANI for Petitioner

MR KB PUJARA for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 27/08/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

The petitioner, a Government Corporation (hereinafter referred to as 'the Corporation') challenges the judgment and order dated 26th July, 1994, passed in Reference (LCR) No. 497/94, by the Labour Court, Rajkot.

The respondent-workman (hereinafter referred to as 'the workman') was, at the relevant time, serving as a Conductor in the Corporation. On 6th September, 1990, while he was serving at Nalia Depot in Bhuj Division, he was found to have committed certain irregularities i.e. he had collected fare from some 15 passengers and had not issued tickets to the said passengers. A disciplinary action therefor was held against the workman and was dismissed from service. Feeling aggrieved, the workman raised a dispute which was referred to the Labour Court, Rajkot, and was numbered as Reference (LCR) No. 497/94. The said Reference was partially allowed. The learned Labour Judge set aside the order of dismissal and directed the Corporation to reinstate the workman and to pay him 50% of the back wages. Feeling aggrieved, the Corporation has preferred the present petition.

It appears that at the time of the inspection, the petitioner had made a statement that the said 15 passengers were required to pay a fare of Rs.3-80 Ps. each, however, were not ready to pay more than Rs.2-00 each. In view of the said haggling with the passengers, due tickets were not issued to the said passengers, but there was no intention to misappropriate the fare collected from the passengers. The said defence of the workman has been accepted by the learned Labour Judge. The learned Labour Judge has observed that " There was confrontation between passengers and the workman for the rate of fare. There was no bad intention on the part of the workman for not issuing tickets to the passengers. So this is not the case of misappropriation". The learned Labour Judge has also taken into consideration the past service record of the workman, which discloses some 7 previous punishments for various misconducts. The learned advocate Mr. Lakhani appearing for the petitioner has not been able to dislodge the above finding recorded by the learned Labour Judge. In view of the finding recorded by the learned Labour Judge in respect of the guilt of the workman, neither the order of reinstatement in service, nor the order for payment of back wages requires to be interfered with.

Petition is, therefore, dismissed. Rule is discharged.

JOSHI